

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6445**

**BILL NUMBER: SB 74**

**NOTE PREPARED: Jan 25, 2011**

**BILL AMENDED: Jan 25, 2011**

**SUBJECT:** Guardianships.

**FIRST AUTHOR:** Sen. Zakas

**FIRST SPONSOR:**

**BILL STATUS:** 2nd Reading - 1st House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** No Fiscal Impact

**Summary of Legislation:** (Amended) This bill specifies the notice requirements following court action on a petition to appoint a temporary guardian. The bill changes the duration of a temporary guardianship from 60 days to 90 days. It also authorizes a parent of a minor or a guardian of a protected person to designate a standby guardian effective upon the death or incapacity of the parent or guardian. It also specifies the information required in a declaration designating a standby guardian. The bill also provides that the declaration is not binding upon the juvenile justice system with respect to the placement of a child who is subject to an allegation of abuse or neglect; an open child in need of services case; or an open delinquency case.

This bill provides that the declaration is effective for 90 days unless the standby guardian files a petition for guardianship, in which case the declaration is effective until the court rules on the petition. The bill also provides that a delegation of parental powers by power of attorney is effective immediately. It enacts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. The bill also governs issues concerning original jurisdiction, registration, transfer, and out-of-state enforcement of guardianships and protective orders appointed or issued for adults. It also makes conforming changes.

(The introduced version of this bill was prepared by the Probate Code Study Commission.)

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:**

**Information Sources:**

**Fiscal Analyst:** Diane Powers, 317-232-9853.